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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,071	02/07/2001	Takashi Takeuchi	202937US2S	7369
22850	7590	10/18/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JAWORSKI, FRANCIS J	
			ART UNIT	PAPER NUMBER
			3768	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,071

Applicant(s)

TAKEUCHI ET AL.

Examiner

Jaworski Francis J.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 and 10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 9, 11, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-3, 12-13, 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

[Claims 4-7 and 10 stand withdrawn from consideration as directed to a non-elected invention pursuant to applicants' election without traverse filed 7/18/03.]

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).]

Claims 1 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being obvious over Smith et al (US5311095) in view of Tezuka alone or further in view of Finsterwald et al (US5423220). Smith et al in col. 4 lines 28-65 discuss use of a conductive epoxy resin impedance mismatch backing layer for a cut i.e. slotted piezoelectric crystal transducer array. Such is installed opposite to the acoustically emitting side. The stated impedance of 5Mrayls is low relative to typical piezoelectric values. That is to say, Smith et al is concerned with 'low impedance' backings. It would have been obvious in view of Tezuka Figs. 13 – 14 to form conductive resin array contact layers 11 or 14 as a plurality of such individual layers in association with a backing layer since this allows isolation of the individual array elements for control purposes. Alternatively whereas it may be argued that technically Smith et al per se do not literally state that the conductive resin mismatch layer is 'low' impedance, [since a mismatch layer or 'de-match' layer may be of either low or high impedance type – see Miller (US6551248) or ineffective date and not part of this rejection argument for concept.], it would have been obvious in view of Finsterwald et al col. 7 lines 20-23 to select a piezoelectric member of nominal impedance e.g. 29 Mrayls such that the stated impedance value in Smith et al is literally low in relation thereto.

Claims 2, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al in view of Tezuka alone or further in view of Finsterwald et al as applied to claim 1 above, and further in view of Barthe of record or applicants'

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acknowledged prior art. The former as noted above taught use of (lead titanate) piezoelectric material for the array cut elements in conjunction with a low impedance conductive resin backing. Since the current claim additionally calls for a 2-2 type composite transducer member, it would have been obvious to utilize same since these were known to be suitable per Barthe col. 3 line 17 or the applicants' specification page 3-4 prior art admissions.

Claims 3 and 16 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 2 above, and further in view of Ries et al (US5605154) who note in col. 8 lines 35 – 57 that the lead zirconate titanate array may be backed with an attenuation (mismatch) conductive epoxy resin layer which may also serve as a forward matching layer, or ten Hoff et al (US5406951) who note col. 7 lines 5-15 that a conductive epoxy resin layer forward of the transducer can conveniently serve as a 6Mrayl matching layer for an ultrasound transducer in addition to its conductor function.

Allowable Subject Matter

Claims 8 – 9, 11 and 14 - 15 are allowed.

of conductive resin backing in a sectioned array per col. 6 lines 26 – 38.

Response to Arguments

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Insofar as emphasis in the claims has been altered to provide language for discretizing the electrode conductive resin layers the Examiner has applied an additional reference Tezuka with arguments directed to this feature with previous teaching to use conductive resin for both the front and back transducer electrode functions as well as respective match/mismatch-attenuation functions.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

10122006


Francis J. Jaworski
Primary Examiner